

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEREK BLANTON,

Plaintiff,

-v.-

12 Civ. 844 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

CITY OF NEW YORK, 7TH AND 9TH PRECINCTS
N.Y.P.D., AND SERGIO'S HAIR STUDIO

Defendants.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the December 20, 2012 Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein (the "Report"). Judge Gorenstein's Report recommends that Defendants' Motions to Dismiss the Complaint be GRANTED. (Report at 9.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The District Court may adopt those portions of the Report to which no timely Objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y.

2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008) (internal quotation marks omitted). This rule applies to pro se parties so long as the Magistrate Judge's Report "explicitly states that failure to object to the report within [fourteen] days will preclude appellate review and specifically cites 28 U.S.C. § 636(b)(1) and rules 72, 6(a) and 6(e) of the Federal Rules of Civil Procedure." Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989) (per curiam).

Despite being advised of the procedure for filing Objections in Judge Gorenstein's Report and warned that failure to file Objections would waive objections and preclude appellate review (Report at 10), no Party has filed Objections to the Report.


Having reviewed the Report and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED and ADJUDGED that the Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein, dated December 20, 2012, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. The Motions to Dismiss filed by

Defendant the City of New York and Defendant Sergio's Hair Studio
are GRANTED, and the Complaint is dismissed in its entirety.

SO ORDERED.

Dated: July 9, 2013

New York, New York


Deborah A. Batts
United States District Judge